

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEDERAL HOME LOAN MORTGAGE
CORP.,

No. C 12-00402 CRB

ORDER OF REMAND

Plaintiff,

v.

ADRIAN CASTILLO,
Defendant.

Defendant Adrian Castillo removed this case from state court on January 25, 2012. See *dk.* 1. The case was reassigned on February 22, 2012. See *dk.* 13. The Court notes that a Motion to Remand is already on file, and is calendared for April 6, 2012. See *dk.* 11. However, the Court finds this matter suitable for resolution without oral argument or further briefing, pursuant to Civil Local Rule 7-1(b), and GRANTS the Motion to Remand.

Upon review of the state court complaint attached to the Notice of Removal, it is apparent to the Court that, indeed, it does not have jurisdiction over the matter. Federal question jurisdiction exists only when a federal question exists on the face of a well-pleaded complaint. See Wayne v. DHL Worldwide Express, 294 F.3d 1179, 1183 (9th Cir. 2002). The state court complaint here involves only a claim of unlawful detainer. Notice of Removal Ex. A at 1. Therefore, no federal question is presented. See Deutsche Bank Nat. Trust Co. v. Ashley, No. 07-1164, 2007 WL 2317104, at *1 (S.D. Cal. Aug. 8, 2007). Moreover, based upon the face of the well-pleaded complaint, which alleges that the amount

1 in controversy is “under \$10,000,” and indicates that Defendant is what is known as a local
2 defendant (residing in the State in which this action has been brought), there is also no
3 diversity jurisdiction. See Notice of Removal Ex. A at 1; 28 U.S.C. § 1441(b). Accordingly,
4 Plaintiff’s Motion to Remand this matter to the Superior Court of the State of California,
5 County of Solano is GRANTED.

6 **IT IS SO ORDERED.**

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9 Dated: March 8, 2012



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE